

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

DANIELLE FEDEROFF ,

Debtor(s)

Chapter 13

Case No. 09-35212

**CONDITIONAL ORDER
FOR RELIEF FROM THE
AUTOMATIC STAY**

X

MOTION HAVING BEEN MADE to this Court by U.S. Bank, N.A. successor in interest to the Federal Deposit Insurance Corporation as receiver for Downey Savings and Loan Association, F.A. (hereinafter US Bank), by Notice of Motion dated June 24, 2010, for an Order for relief from the automatic stay as to US Bank granting US Bank leave to commence or continue foreclosure proceedings; and due notice of said motion having been given to the Debtor, the Debtor's attorney, U.S. Trustee, and the Trustee; and the attorneys for US Bank and the attorneys for the Debtor having consented to the relief requested upon the terms and conditions set forth herein; and the Trustee having raised no objection to the same; and the parties having agreed that the Debtor is in arrears of post-petition mortgage payments for the following months and in the following sums:

A. Post-petition mortgage arrears, late charges and inspection fees for January 1, 2010 to August 1, 2010 in the amount of	\$15,185.76
B. Attorneys fees and costs for preparation and filing of motion to lift stay in the amount of	\$500.00
Total	\$15,685.76

and after due deliberation having been had; it is hereby

ORDERED, that the Debtor shall pay to US Bank by certified check or money order, the sum of \$15,685.76, in six (6) monthly installments of \$2,614.29 each commencing September 15, 2010, and ending on February 15, 2011, which payments represent post- petition mortgage installments for the months of January 1, 2010 through August 1, 2010, and costs and attorney fees for this motion; and it is further

ORDERED, that the Debtor is to make regular post-petition mortgage payments beginning September 1, 2010 in the amount of \$1,966.83.

ORDERED, that upon the Debtor's failure to make the above post petition arrearage payments within ten (10) days of the date said post petition payment was due, and upon the Debtor's failure to cure the said default within ten (10) days of receipt of the written notice to the Debtor and the Debtor's Counsel, US Bank its successors and assigns shall file an Affirmation of Non-Compliance setting forth the Debtor's default together with a proposed Order Lifting the Automatic Stay. The Affirmation of Non-Compliance and proposed Order Lifting the Automatic Stay shall be served upon the Debtor and Debtor's attorney by first class mail. Any challenge to an Affirmation of Non-Compliance shall be brought by counter affidavit and it must be filed with the Clerk of the Court and served upon the secured Creditor's Counsel within seven (7) days after the date of the service of the Affirmation of Non-Compliance. Upon the Court's signature of the proposed Order Lifting the Automatic Stay, the automatic stay shall be vacated thereby permitting US Bank its successors and assigns to initiate, conduct or complete a Referee or Trustee's Sale, Judicial Foreclosure or Judicial Eviction against the property located at 2730 Schurz Avenue, Bronx, NY 10465 New York, and it is further

ORDERED, that the Trustee shall receive notice of surplus funds, if any, which may result from the foreclosure sale of the premises

Dated: Poughkeepsie, New York
August 18, 2010

/s/ Cecelia Morris
HON. CECELIA G. MORRIS
United States Bankruptcy Judge

CONSENTED TO:

/s/Stuart L. Kossar
Stuart L. Kossar
Drake, Loeb Heller Kennedy Gogerty
Gaba & Rodd
Attorney for Debtors
555 Hudson Valley Avenue, Suite 100
New Windsor, NY 12553

/s/Michael H. Cohn
Michael H. Cohn
Cohn & Roth
Attorneys for Creditor
100 E. Old Country Road
Mineola, New York 11501

* A facsimile of this Order bearing the signatures of the attorneys for both parties may be used in lieu of an original.

